Remarks

Claims 1-11 are pending in the present application.

Claim 1 has been amended to include the limitation previously presented in claim 4. Support for this amendment can be found at least on page 5 of the specification. Claim 4 has been canceled. Claims 5-7 have been amended to correct dependencies based on the aforementioned amendment. Further, the second claim 10 has been renumbered as claim 11. Please consider current claims numbered 1-11.

Response to the Office Action

The Rejection under 35 U.S.C. 102(b) over Guskey

Claims 1 and 9-11 have been rejected under 35 U.S.C. §102(b) as being unpatentable over Guskey (US 5,965,113 – hereinafter, "Guskey"). Applicants respectfully traverse this rejection in view of the current amendments.

By the present amendment, Claim 1 recites a reactive agent, wherein said reactive agent additionally comprises a cosmetically active functional group. Guskey does not teach the composition claimed in the present invention as amended. Therefore, Applicants contend that the present invention is novel in view of Guskey and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. 102(b) over Luebbe et al.

Claims 1-4, 9, and 11 have been rejected under 35 U.S.C. §102(b) as being unpatentable over Luebbe et al. (US 6,013,248 – hereinafter, "Luebbe"). Applicants respectfully traverse this rejection in view of the current amendments.

By the present amendment, Claim 1 recites a reactive agent, wherein said reactive agent additionally comprises a cosmetically active functional group. Luebbe does not teach the composition claimed in the present invention as amended.

Further, the present invention requires that the *reactive agent comprises* a cosmetically active functional group. The Office Action states that triclosan is a reactive group and perfume is a functionally active cosmetic. The requirement in the present invention that the *reactive agent comprises* a cosmetically active functional group is not met by including a functionally active cosmetic in the overall composition.

Therefore, Applicants contend that the present invention is novel in view of Luebbe and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. 102(b) over Park

Claims 1-5 and 9-11 have been rejected under 35 U.S.C. §102(b) as being unpatentable over Park (US 5,135,741 – hereinafter, "Park"). Applicants respectfully traverse this rejection in view of the current amendments.

By the present amendment, Claim 1 recites a reactive agent, wherein said reactive agent additionally comprises a cosmetically active functional group. Park does not teach the composition claimed in the present invention as amended. Therefore, Applicants contend that the present invention is novel in view of Park and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. 102(b) over Jacquet et al.

Claims 1-4, 9, and 10 have been rejected under 35 U.S.C. §102(b) as being unpatentable over Jacquet et al. (US 4,826,681 – hereinafter, "Jacquet"). Applicants respectfully traverse this rejection in view of the current amendments.

By the present amendment, Claim 1 recites a reactive agent, wherein said reactive agent additionally comprises a cosmetically active functional group. Jacquet does not teach the composition claimed in the present invention as amended. Therefore, Applicants contend that the present invention is novel in view of Jacquet and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. 103(a) over Jacquet and Halloran

Claims 6-8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Jacquet in view of Halloran (EP 437099 – "hereinafter, "Halloran"). Applicants respectfully traverse this rejection, as the combination of the references does not establish a *prima facie* case of obviousness. Specifically, there is no suggestion or motivation to modify or combine the references, as required under MPEP 2143.01. Therefore, a *prima facie* case of obviousness has not been established.

There is no motivation to combine the Jacquet and Halloran references. The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Jacquet teaches an essentially anhydrous solution of hydrogen peroxide in an organic solvent. Halloran teaches thioglycolamide functional siloxanes and compositions comprising them. While most of the examples in Halloran are directed to the preparation of compounds, example 9 is directed to the preparation of a

composition. The composition of Tress B in example 9 is comprised mostly of water. One skilled in the art would not be motivated to combine Jacquet's teaching of an anhydrous composition with Halloran's teaching of a hydrous composition. Thus, there is no suggestion or motivation to modify or combine the Jacquet and Halloran references. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

A *prima facie* case of obviousness has not been established. Therefore, Applicants contend that the claimed invention is not obvious in view of Jacquet and Halloran and that the rejection should be withdrawn.

Conclusion

Applicants have made an earnest effort to distinguish the invention from the applied reference. WHEREFORE, Applicants respectfully request reconsideration of this application and allowance of Claims 1-11.

Respectfully submitted,
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